

- Sub 21
19. [NEW] The speaker enclosure system of claim 15 wherein the peripheral edge defines a square area, whereby the backbox may be fit within a grid array of like-sized square tiles.
20. [NEW] The speaker enclosure system of claim 15 wherein the backbox has an electrical supply box mounted thereon outside the backbox interior.
21. [NEW] The speaker enclosure system of claim 15 wherein the crimping edge is also crimped about the sound baffle sheets.
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REMARKS

1. The Amendments and the Support Therefor

One claim (14) has been canceled, six new claims (15-21) have been added, and claims 1, 3, 6, 8, and 11 have been amended to leave claims 1-13 and 15-21 in the application. The claim amendments are made to more precisely distinguish the invention from the prior art, and these amendments find support in the original claims and drawings. For your convenience, following is a summary cross-referencing the new claims to exemplary portions of the specification and/or drawings disclosing the recited structure:

Claim 15: See original claims 1 and 8.

Claim 16: See original claim 1.

Claim 17: See original claim 1 and tuning hole 43 in Fig. 3B.

Claim 18: See sound baffle sheets 40a/40b and speaker 50 within grill edges 34 in Fig. 4.

Claim 19: See Fig. 1 and page 4 lines 6-8.

Claim 20: See particularly electrical supply box 25 in Fig. 1.

Claim 21: See sound baffle sheets 40a/40b and grill crimping edges 34 in Fig. 4.

2. Section 2 of the Office Action: Objections to the Claims

The objection is obviated by the amendment to claim 1 to remove the objected language.

3. Section 3 of the Office Action: Rejection of Claims 1 and 24 under 35 USC §112

The rejection of claim 1 is obviated by removal of the offending language. Regarding the rejection of claim 24, it appears that an inadvertent error has been made, as there is no pending claim 24 (nor is the indicated language present in the claims).

4. Section 4 of the Office Action: Rejection of Claims 1-2 and 4 under 35 USC §102 in view of U.S. Patent 5,115,884 to *Falco*

Falco does not anticipate claim 1 (as amended) and its dependent claims 2-7 because, among other things, the *Falco* grill does not extend across the peripheral edge with one or more sound-baffle sheets extending between the speaker and the peripheral edge.

5. Section 5 of the Office Action: Rejection of Claims 8-9 and 14 under 35 USC §102 in view of U.S. Patent 3,989,909 to *Hodsdon et al.*

Hodsdon does not anticipate claim 8 (as amended) and its dependent claims 9-14 because, among other things, the crimping edge of the grill is not crimped about the peripheral edge, and no sound-baffle sheet extends across the interior surface of the grill between the peripheral edge and the speaker.

6. Section 6 of the Office Action: Rejection of Claim 3 under 35 USC §103(a) in view of U.S. Patent 5,115,884 to *Falco* and U.S. Patent 3,989,909 to *Hodsdon et al.*

The rejection is believed to be overcome by the foregoing amendments. Additionally, note that *Hodsdon* does not in fact include a grill having a crimped edge, “crimped” meaning (as can be seen by referring to standard dictionaries) pinched or folded about. *Hodsdon*’s grill is plainly not made of foldable material, and appears to be fit to its enclosure via a snap-fit arrangement.

7. Sections 7-8 of the Office Action: Rejection of Claims 5-7 under 35 USC §103(a) in view of U.S. Patent 5,115,884 to Falco; rejection of Claims 10-13 under 35 USC §103(a) in view of U.S. Patent 3,989,909 to Hodsdon et al.

The rejection is believed to be overcome by the foregoing amendments. Additionally, it is respectfully submitted that the stated rationale for the rejections does not provide a *prima face* case of obviousness. There is no support provided for the assertion that the claimed materials are commonly used, nor is there any suggestion that one of ordinary skill would select these materials for a speaker enclosure such as the one claimed.¹

8. In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

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ATTACHMENTS:

- Amendment Sheet ("Marked-Up" Copy) Showing Changes to Application

¹ See, e.g., *In re Rouffet*, 47 USPQ2d 1453, 1457-1459 (Fed. Cir. 1998) (emphasizing the need for the Examiner and/or the Board to specifically explain the location and content of the alleged suggestion/motivation in the prior art); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) (obviousness requires "some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.")



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/881,499

Group Art Unit: 2643

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Examiner: Ni, Suhan

Applicant(s): MASON et al.

Atty. Docket: 34548.103

Title: LAY-IN CEILING SPEAKER

**AMENDMENT SHEET ("MARKED-UP" COPY)
SHOWING CHANGES TO APPLICATION
(37 CFR §§1.121(b)(1)(iii); (c)(i)(ii))**

(To Accompany Response to January 2, 2003 Office Action)

In accordance with 37 CFR §§1.121(b)(iii) and (c)(ii), following are the amendments made to the specification and/or claims of the above-noted application.

- All deletions are indicated by brackets [like so] and all additions are indicated by underlining like so.
- The additions and deletions are made with respect to the application as it is understood to exist prior to entry of this amendment (i.e., any amendments are made with respect to the previous version).
- While 37 CFR §§1.121(b)(1)(iii) and (c)(1)(ii) does not require that new and canceled paragraphs and claims be supplied on this "marked-up" copy, such new additions and cancellations are nevertheless provided below to aid the reviewer's understanding.

IN THE CLAIMS:

Claim 14 is canceled without prejudice to further prosecution in one or more continuing applications.

Claims 1, 3, 6, 8, and 11 are amended as follows:

1. **[AMENDED]** A speaker enclosure system comprising:
 - (a) a backbox having a [first upper surface, side walls and a peripheral edge] backbox interior bounded by a peripheral edge, the peripheral edge having side walls extending therefrom to join an upper surface spaced from the peripheral edge, the upper surface extending between the side walls;
 - (b) a grill [adapted to be attached to the backbox, the grill further adapted to receive a speaker, and] having an interior surface adjacent the backbox interior and an exterior surface adjacent a backbox exterior, the grill extending across the peripheral edge;
 - (c) [a sound-baffle sheet disposed between the backbox and the grill, the sound-baffle sheet having a first opening therein for placement of the speaker and a second opening of appropriate dimension mounted away from the speaker to introduce tuning of the enclosure in order to extend low frequency response of the unit] a speaker within the backbox interior, the speaker being spaced from the peripheral edge to rest adjacent a portion of the interior surface of the grill;
 - (d) one or more sound-baffle sheets situated between the interior surface of the grill and the backbox interior, and extending between the speaker and the peripheral edge,whereby the sound-baffle sheets mask the backbox interior from the backbox exterior.
3. **[AMENDED]** The speaker enclosure system of claim 2, wherein the grill includes [a crimping edge adapted to attach to the peripheral edge of the backbox] an edge crimped about the peripheral edge of the backbox.
6. **[AMENDED]** The speaker enclosure of claim [5, wherein the fiberglass form has a first surface and a second surface, wherein one of the first and second surfaces is enclosed in a foil] 4, wherein the backbox has an interior surface adjacent the backbox interior, and an opposing exterior surface, wherein at least one of the interior and exterior surfaces is covered with foil.

8. **[AMENDED]** A speaker enclosure system comprising:
- (a) a backbox having a peripheral edge extending about a backbox interior;
 - (b) a grill having [a ventral and dorsal surface, the grill comprising a crimping edge adapted to crimp the peripheral edge of the backbox, the grill further comprising a speaker affixed to ventral surface; and] a crimping edge bounding an interior surface and an exterior surface, the crimping edge being crimped about the peripheral edge;
 - (c) a speaker affixed to the interior surface of the grill; and
 - (d) a sound-baffle sheet [adjacent the ventral surface of the grill, the sound-baffle sheet having an opening for placement of the speaker] extending across the interior surface of the grill between the peripheral edge and the speaker.
11. **[AMENDED]** The speaker enclosure system of claim[10, wherein the fiberglass form has a first surface and a second surface, one of the first and second surfaces being enclosed in a foil] 9, wherein the backbox has an interior surface adjacent the backbox interior, and an opposing exterior surface, wherein at least one of the interior and exterior surfaces is covered with foil.

Claims 15-21 are added as follows:

15. **[NEW]** A speaker enclosure system comprising:
- a. a backbox having sidewalls extending between a peripheral edge and an upper surface, with a backbox interior being defined adjacent the upper surface and between the sidewalls;
 - b. a speaker situated within the backbox interior, the speaker being spaced from the peripheral edge;
 - c. one or more sound baffle sheets extending between the peripheral edge and the speaker; and
 - d. a grill whereupon the speaker is affixed, the grill having a crimping edge crimped about the peripheral edge.
16. **[NEW]** The speaker enclosure system of claim 15 wherein the sound baffle sheets have a speaker opening defined therein, wherein the speaker is situated within the speaker opening.
17. **[NEW]** The speaker enclosure system of claim 16 wherein the sound baffle sheets have at least one tuning opening defined therein, each tuning opening being smaller than the speaker opening and being spaced from the speaker opening.
18. **[NEW]** The speaker enclosure system of claim 15 wherein the sound baffle sheets and speaker mask at least substantially the entirety of the backbox interior from the grill.

19. [NEW] The speaker enclosure system of claim 15 wherein the peripheral edge defines a square area, whereby the backbox may be fit within a grid array of like-sized square tiles.
20. [NEW] The speaker enclosure system of claim 15 wherein the backbox has an electrical supply box mounted thereon outside the backbox interior.
21. [NEW] The speaker enclosure system of claim 15 wherein the crimping edge is also crimped about the sound baffle sheets.